



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Patent No. 7,739,076	:	
Vock et al.	:	DECISION ON REQUEST
Issue Date: 06/15/2010	:	FOR RECONSIDERATION OF
Application No. 09/607678	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 06/30/2000	:	and
Attorney Docket No.	:	NOTICE OF INTENT TO ISSUE
005127.01044	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on August 13, 2010, under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eighty-eight (88) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by eighty-eight (88) days is **GRANTED to the extent indicated herein**.

A review of Office records reveals that the Office errantly assessed a reduction of 84 days in accordance with 37 CFR 1.704(c)(10) in connection with the filing of drawings on March 24, 2010. Office records confirm that Applicants did not file drawings on March 24, 2010. As such, the delay of 84 days is in error and has been removed.

A review of the application history also reveals that this Office errantly failed to assess a reduction of 91 days in accordance with 37 CFR 1.704(b) in connection with the filing of a reply to a Notice to File Missing Parts of Nonprovisional Application, mailed August 21, 2000. The reduction commenced on the day after the date that is three months after the date of mailing of the Notice to File Missing Parts of Nonprovisional Application, November 22, 2000, and ending on the date the reply was filed, February 20, 2001. A reduction of 91 days is properly attributed to Applicants pursuant to 37 CFR 1.704(b).

A further review of Office records reveals that the Office also errantly neglected to assess a reduction in accordance with 37 CFR 1.704(c)(8), in connection with the filing of an Information Disclosure Statement ("IDS"), on October 10, 2003, after filing a Request for Continued

Examination ("RCE"), on September 8, 2003. The reduction commenced on the day after the date the initial reply was filed, September 9, 2003, and ending on the date that the IDS was filed, October 10, 2003. Pursuant to 37 CFR 1.704(c)(8), the patent term is reduced by a period of 32 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **zero (0) days** (699 days Office adjustments – 701 days Applicant delay).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,739,076 B1

DATED : June 15, 2010

INVENTOR(S) : Vock et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 4 days.

Delete the phrase "by 4 days" and insert – by zero (0) days--